IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 8721 of 2003

The Oriental Insurance Co. Ltd. ..Petitioner

vs.

1. Sau.Suman Jagannath Chavan and others ..Respondents

Shri J.S.Chandnani for petitioner.
Shrui R.A.Shaikh for respondents.

**CORAM: S.B.MHASE J.**
**14th March, 2006**

**P.C.**

1. Heard the learned Counsel.

2. Learned Counsel for the petitioner states that the doctor's certificate shows the disability of 10%. As against that the Tribunal has inferred the disability of 100%. It is to be noted that the respondent is doing the work of washing utensils and clothes i.e. a maid servant with 10 to 15 families. She has suffered the fracture injury to the palm and phalenx of the thumb and as a result of which she is unable to carry out the work as efficiently as she was previously carrying on. Therefore, looking to the nature of the duties which the respondent was discharging the Tribunal has come to the conclusion that there

is 100% professional disasbility. This is benevolent legislation and under these circumstances I do not find any error in such assessment by the Tribunal. There is one more reason to dismiss the matter because even prior to filing the petition the amount was paid by the insurance company in execution proceedings and the said amount has been taken by the respondent. In view of this also I am not inclined to interfere with the petition. The matter is thus without any merit. It is, therefore, rejected.

**(S.B.MHASE J.)**